

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #148
05/16/05**

MEMBERS PRESENT: Chairman Ted Sutton, Vice-Chairman Charles Niebling, Linda Thomas, David Collins, Robert Duval, John MacDonald, Ryan Bielagus

MEMBERS NOT PRESENT: Robert McLellan, Muriel Lajoie, Raymond Donald,

NHDES – ARD PERSONNEL: Robert Scott, Anne Keach, Andrew Bodnarik, Barbara Hoffman, Thomas Niejadlik, Michael Fitzgerald

OTHER INTERESTED PARTIES: Not Present

Call to Order:

Chairman Sutton called Meeting #148 of the Air Resources Council (ARC) to order at 9:05 a.m. on May 16, 2005. Chairman Sutton announced that a quorum was present.

Approval of Minutes:

Robert Duval entered a motion to accept the minutes of meeting #147. John MacDonald seconded the motion. David Collins abstained. All others were in favor. The minutes of meeting #147 were accepted by the ARC.

Division Activities:

Chairman Sutton introduced Robert Scott, Director of the Air Resources Division (ARD). Mr. Scott announced the following upcoming activities:

- May 20, 2005, Bike and Walk To Work Day
- June 8, 2005, the ARD will host an educational program atop Pack Monadnock Mountain for eight-grade students to learn how air pollution is monitored, and gain information on the environmental and health effects of air pollution.
- Executive Order for Energy Efficiency in State Government. The Executive Order calls for State Government to reduce energy use in state facilities by 10% and directs state agencies and departments to implement a Clean Fleets Program to improve fuel efficiency and reduce gasoline consumption in the more than 4,000 state owned vehicles. An energy information system will be implemented to measure progress towards meeting the energy reductions called for in the Executive Order.
- Clean Air Mercury Rule – NH Hampshire is one of eleven states suing the Environmental Protection Agency because the rule does not consider hot spots and contends that debatable data was used to develop the rule.

Legislative Issues:

Director Scott outlined the following legislative activities that the Air Resources Division has been involved in during the 2005 Session:

- House Bill 315 – Relative to Best Available Control Technology (BACT), which seeks to establish specific requirements for facilities combusting non-virgin materials and emit persistent bioaccumulative toxic (PBT) substances.
- House Bill 513 – Relative to on-board diagnostic system inspections and the applicability of the OBD II testing requirements.
- House Bill 517 – Relative to establishing a committee to study criteria issues relative to construction and demolition waste and to establishing a moratorium on the incineration of any construction and demolition waste.
- House Bill 58 – Relative to the effective date for the elimination of certain substances (MtBE) from gasoline supplies, and seeks to amend Chapter 175 of the General laws of New Hampshire (as passed by Senate Bill 397 last Spring)
- Senate Bill 128 – Relative to Emissions Reduction Standards as required by the Clean Power Act, which seeks to establish specific caps for mercury as well as establishing a further request to Carbon dioxide (CO₂) emissions reductions from affected fossil fuel burning power plants in New Hampshire.

Robert Scott informed members of the ARC that he will be on military duty and will not attend the ARC meeting scheduled for June 20, 2005.

Env-A 4100, Consumer Products and Env-A 4200, Architectural and Industrial Maintenance Coatings

Michael Fitzgerald of the Technical Services Bureau presented the ARC with Env-A 4100 and Env-A 4200. Mr. Fitzgerald explained that the Department of Environmental Services is required by Senate Bill 397 (passed and codified in Chapter 175 of the General Laws of New Hampshire) to commence rulemaking to adopt five categories of Ozone Transport Commission (OTC) model rules. The OTC developed these rules to meet VOC emissions reduction shortfalls in several major urban areas throughout the OTC states, as required by EPA. Mr. Fitzgerald proposed to adopt the OTC model rules to consumer products and architectural and industrial maintenance (AIM) coatings in new chapters, Env-A 4100 and Env-A 4200, respectively. The consumer products rule applies to any person who sells, supplies, offers for sale, or manufactures any consumer products on or after January 1, 2007 for use in New Hampshire. The Architectural and Industrial Maintenance (AIM) coating rule applies to anyone who sells, supplies, offers for sale, repackages for sale, blends, or manufactures any AIM coating for use in New Hampshire after January 1, 2007. Both rules are intended to limit emissions of volatile organic compounds by limiting VOC content in paints, coatings and consumer products sold in the State as part of NHDES' effort to meet national ambient air quality standard for ozone and to help fulfill the Department's requirements to replace the emission benefits of reformulated gasoline (RFG) in Chapter 175.

Mr. Fitzgerald noted that although House Bill 58 in the current session removes the requirement to opt-out of RFG, the directive to adopt the OTC rules was not changed. He added that similar rules have been or are being implemented in several other OTC states including ME, MA, CT, NY, MD, DE, and PA, thus these products are already widely available throughout the region.

Vice-Chairman Niebling entered a motion to accept Env-A 4100. Robert Duval seconded the motion. All others were in favor. Chairman Sutton instructed members of the ARC to contact Vice-Chairman Niebling within fifteen days to provide comments on the proposed rule.

Robert Duval entered a motion to table Env-A 4200. David Collins seconded the motion. Vice-Chairman Niebling opposed, all others were in favor. Acceptance of Env-A 4200 was tabled until the next meeting of the ARC.

Other Business:

Chairman Sutton scheduled the next meeting of the ARC on June 20, 2005.

Adjourn:

Having no further business to discuss, Chairman Sutton entered a motion to adjourn. Vice-Chairman Niebling seconded the motion. All members present were in favor. Meeting #148 of the ARC adjourned at 10:20 a.m. on May 16, 2005.